

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
THEODORE C. GOLDSTEIN
STEPHEN NAROFF
MATTHEW AUSTERN
FARIBORZ JAHANIAN
STAN JIRMAN
P. ANDERS I. BERTELUND

Serial No.: 10/807,833

Filed: March 24, 2004

For: SPECULATIVE COMPILATION

Confirmation No.: 4323

Group Art Unit: 2191

Examiner: R. PHILIP WANG

Attorney Docket: 2095.001000/P3125US1

CUSTOMER NO. 62293

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on September 16, 2010, allowing all of the pending claims 1-3, 5-9, 11-21, 28-46, 48-51, 53 and 54. The due date for paying the Issue Fee is December 16, 2010. This paper is being filed on December 14, 2010, therefore it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicants understand the Examiner's desire to use convenient phraseology, the Applicants note that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and the Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed

as claim limitations if the claims themselves do not include the language referenced by the Examiner. Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

Applicants agree with the Examiner that the prior art do not describe or suggest Applicants' invention as set forth in claims 1-3, 5-9, 11-21, 28-46, 48-51, 53 and 54. *See* page 3 of the Notice of Allowance dated September 16, 2010.

Applicants respectfully submit that the claims are allowable for at least the reasons argued by Applicants throughout the prosecution of this Application before the USPTO. Applicants do not concede that the reasons for allowance are limited to those set forth by the Examiner in the Notice of Allowance ("Reasons for Allowable" [sic] and "Examiner's Comments sections).

Should the Examiner have any questions, **the Examiner is invited to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.

Date: December 14, 2010

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